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From: "Nepstad, Michael G SPK"
Sent: Wed 8/26/2009 6:38:22 PM
Subject: SPK Regulatory Project Purpose for BDCP

The purpose of this email is to provide the Bay Delta Conservation Plan's (BDCP) BDCP Environmental Compliance Team (BECT) information, analyses, and processes which appear necessary to support the USACE permit decisions for those components of the BDCP for which the applicants are seeking permits and which constitute complete projects based upon my current understanding of the BDCP.

The USACE has jurisdiction over the BDCP under section 10 of the Rivers and Harbors Act of 1899 (section 10), section 14 of the Rivers and Harbors Act of 1899 (section 408, so called as it's also listed as 33 USC 408), and section 404 of the Clean Water Act (section 404).

The topics within this email are specific to section 10 and 404 permit decision needs.

The USACE is a cooperating agency under the National Environmental Policy Act for the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) which is being prepared for the BDCP by the BECT. I am looking forward to working with the applicants to ensure the EIS/EIR prepared for the BDCP is adequate in both process and content to support the permit decisions of the USACE. I expect the topics discussed below will be further discussed at the next BECT meeting or another meeting to ensure the right information, analyses, and processes are incorporated into the EIS/EIR to support the permit decisions of the USACE. Without the right information, analyses, and processes incorporated into the EIS/EIR, additional NEPA processes and documentation would be necessary for completion of the permit decisions of the USACE.

Project Purpose

For the permit decisions of the USACE, based on the information presently understood by USACE, the basic purpose of the BDCP is:

- 1) Habitat Restoration. To restore habitat in the legal Sacramento-San Joaquin River Delta (Delta) and Suisun Marsh, and;
- 2) Water Supply. To supply water to those entities which presently receive or are authorized to receive water from the State Water Project's (SWP) Banks Pumping Plant and the Central Valley Project's (CVP) Jones Pumping Plant.

The need for the project will have a great influence of the scale of the impacts (i.e. the size of diversion and size of restoration actions) and will need to be justified. The justified need for amounts and types of habitat restoration and the justified need for timing and volumes of water supplies will, along with the basic purpose, serve as the foundation of the alternative analysis under the section 404(b)(1) Guidelines.

I am presuming that there is no intent to add new customers to the CVP or SWP. Is that correct?